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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT

Case No.: C08-02139 BZ

Plaintiff,

vs.

DEPUTY SHERIFF WHEATFALL, BADGE
#429; DEPUTY SHERIFF A. GARTH, BADGE
1340; UNNAMED POLICE OFFICER;
CENTRAL TOWING & TRANSPORT; COUNTY
OF ALAMEDA, SHERIFF'S DEPARTMENT;
CITY OF DUBLIN POLICE SERVICES;
UNNAMED DEFENDANTS

DEFENDANTS' REQUEST FOR
RELIEF FROM AUTOMATIC
REFERRAL TO ALTERNATIVE
DISPUTE RESOLUTION
(28 U.S.C. §§ 651, 654)

Defendants.

Defendants, DEPUTY SHERIFF WHEATFALL, BADGE #429; DEPUTY SHERIFF A.
GARTH, BADGE # 1340; COUNTY OF ALAMEDA, SHERIFF'S DEPARTMENT; CITY OF
DUBLIN POLICE SERVICES ("COUNTY DEFENDANTS,") have considered and move for relief
from automatic referral to the Alternative Dispute Resolution ("ADR") program. This motion is
made pursuant to the right to withhold consent enumerated in ND LR 2-3(c) and 28 U.S.C. §§
651(b), 654. This motion is timely made, pursuant to ND ADR LR 4-2(c)(1), as COUNTY
DEFENDANTS have not yet appeared in the action.


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1 Opposition is based on COUNTY DEFENDANTS' belief that this is a "no liability" matter,
2 which is inappropriate for ADR processes. COUNTY DEFENDANTS request continued case
3 management by a United States District Judge.
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5 DATED: July 17, 2008

RICHARD E. WINNIE
County Counsel in and for the County of
Alameda, State of California

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8 By 
9 DIANE C. GRAYDON
10 Deputy County Counsel
Attorneys for Defendants
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DECLARATION OF SERVICE

William J. Whitsitt v. Deputy Sheriff Wheatfall, et al.

Case No. C08-02139 BZ

I, Sandra Walker, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

On July 18, 2008, I served the following document:

**DEFENDANTS' REQUEST FOR RELIEF FROM AUTOMATIC REFERRAL TO
ALTERNATIVE DISPUTE RESOLUTION
(28 U.S.C. §§ 651, 654)**

on the following parties:

William J. Whitsitt
335 W. Clover Road
Tracy, CA 95376

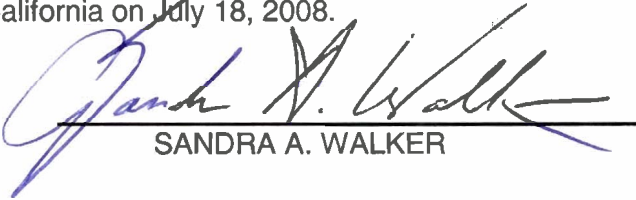
☒ BY MAIL: I caused true and correct copies of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City of Oakland, California.

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the addressee(s).

☐ BY PERSONAL SERVICE: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ BY FEDERAL EXPRESS: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on July 18, 2008.


SANDRA A. WALKER